

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED OF OMAHA LIFE INSURANCE
COMPANY,

Plaintiff,

vs.

ALAN LUCAS TERHAAR JR., REINA
TERHAAR-REYES, and JOANN TERHAAR,

Defendants.

8:20-CV-479

ORDER

This matter is before the Court on defendants Reina terHaar-Reyes and JoAnn terHaar's Motion for Release of Funds. [Filing 26](#). This is an interpleader case. United of Omaha Life Insurance Company ("United of Omaha") filed the present action on November 16, 2020, after it became aware that its policy holder, Carmen terHaar, had died. [Filing 1 at 2](#). Carmen's policy listed only defendant Alan terHaar, Carmen's son, as a beneficiary, but Alan is charged with murdering Carmen. [Filing 1 at 2](#); [Filing 1-3](#). Under Nebraska law, a named beneficiary of a life insurance policy who "feloniously and intentionally kills" the insured individual is not entitled to any policy benefits, and the policy is payable as though the named beneficiary predeceased the insured individual. [Neb. Rev. Stat. § 30-2354\(c\)](#). Per her insurance policy, if Carmen's named beneficiary predeceased her, benefits were to be paid to her surviving spouse, and if none, then to her surviving children in equal shares. [Filing 1 at 3](#). Carmen has no surviving spouse but had two children other than Alan, defendants Reina and JoAnn. [Filing 1 at 3](#). United of Omaha filed the present action asserting a potential dispute between Alan, Reina, and JoAnn over the policy proceeds. [Filing 1 at 3](#).

United of Omaha then sought and was granted leave to deposit the proceeds with the Court for distribution to the rightful beneficiaries pending the outcome of this case. [Filing 21](#). United of Omaha then moved to be dismissed from the case on January 26, 2021. [Filing 22](#). The Court directed Defendants to file any cross claims they had against each other by March 17, 2021. [Filing 25](#). Instead of filing a cross claim, Reina and JoAnn filed the present motion, asking the Court to release the proceeds to Nebraska's Douglas County Court "for Release and transfer to the Personal Representatives of the Estate of Carmen Marie Terhaar, for disbursement accordingly to the heirs/beneficiaries thereunder." [Filing 26](#). They offer no legal basis for doing so, however. *See* [Filing 26](#). Alan filed no cross claim and did not otherwise respond to the Court's order.

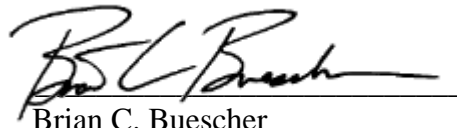
Insurance proceeds are distributed according to the terms of the policy and any applicable law governing insurance benefits. If any Defendants wish to assert they are the rightful beneficiaries under Carmen's insurance policy and Nebraska law, they must file a cross claim to that effect, as they were directed to do in this Court's previous Order, [Filing 25](#). The Court must determine who the rightful beneficiaries are before distributing the proceeds. Accordingly,

IT IS ORDERED:

1. Reina terHaar-Reyes and JoAnn terHaar's Motion for Release of Funds, [Filing 26](#), is denied;
2. Defendants are directed to file any cross claims against any other Defendant in this case by April 5, 2021; and
3. Counsel for Defendants Reina terHaar-Reyes and JoAnn terHaar is instructed to mail a copy of this order to Defendant Alan Lucas terHaar, Jr., and the Clerk of Court is also directed to mail a copy of this order to Defendant Alan Lucas terHaar, Jr. at the address listed in the returned summons at [Filing 18](#).

Dated this 22nd day of March, 2021.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", is written over a horizontal line.

Brian C. Buescher
United States District Judge